

FIFTY-SIXTH DAY

(Continued)

(Friday, April 28, 1961)

After Recess

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

Leaves of Absence

Senator Moffett was granted leave of absence for today on account of illness in the family on motion of Senator Martin.

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Kazen.

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Gonzalez.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 102, Amending Section 14.23 of Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, codified as Article 14.23, Insurance Code, Vernon's Texas Civil Statutes, so as to require State Board of Insurance approval of any increase of assessments or rates and requiring at least ninety per cent (90%) of such increase to be deposited to the mortuary or claim fund; providing for severability; and declaring an emergency.

(With amendment.)

S. B. No. 131, A bill to be entitled "An Act amending Chapter 491, Acts of the 52nd Legislature, Regular Session, 1951, codified as the Insurance Code, Vernon's Texas Civil Statutes, by adding thereto a new chapter designated as "Chapter Twenty-two"; permitting the organization of stipulated premium life insurance companies, or stipulated premium accident companies, or stipulated premium life, health and accident insurance com-

panies; prescribing the method of organization; requiring initial capital of at least \$15,000.00 and initial surplus of \$7,500.00; regulating the investments in which such capital and initial surplus may be made; providing for the corporate duration; prohibiting payment of cash dividends until such time as the capital thereof shall be \$100,000.00; providing what laws shall not be applicable to stipulated premium companies; permitting shares of stock to have a par value of \$1.00 to \$100.00 per share; prescribing the method of obtaining the corporate character, amount of filing fees, hearing before the State Board of Insurance, submission of charter to the Attorney General for approval; authorizing the procedure for the initial election of officers, adoption of by-laws and prescribing certain authority for the Board of Directors and rights to stockholders; prescribing the procedure for amending the charter of the stipulated premium company; requiring the initial examination of the stipulated premium company and prescribing the method and terms of its temporary and permanent certificates of authority; requiring that if the stipulated premium company does not reinsure a Chapter 14 mutual assessment company or association chartered and doing business prior to January 1, 1961 within six months from date of incorporation it shall surrender its charter for cancellation; prescribing and limiting the territory in which the stipulated premium company may do business; requiring the filing of an annual statement by the stipulated premium company between the dates of July 1st and August 31st of each calendar year upon forms prescribed by the State Board of Insurance; authorizing the obtaining of reinsurance and requiring that certain risks be reinsured until the stipulated premium company has a surplus of at least \$50,000.00; limiting the payment of cash dividends to stockholders until the stipulated premium company has at least \$100,000.00 in capital; prescribing the procedures for the payment of salaries to officers, directors and employees and permitting pension plans; requiring that all funds be deposited in the name of the stipulated premium company and prohibiting any officer or director from having any interest, except as a stockholder, in any loan, pledge, security or property of the stipulated premium company and prohibiting any officer

or director from obtaining any fee, brokerage, commission, gift or other compensation on account thereof; providing the reserve tables to be used by stipulated premium companies, and establishing the minimum under policies of all classes; permitting a lawful deficiency reserve in the case of policies assumed under a reinsurance contract with companies or associations operating under the provisions of Chapter 14 of the Insurance Code but requiring that such deficiency reserves be decreased 10% each year; providing for the date and method of calculation of such required reserves annually; requiring adjustment of rate within thirty days in the event of a deficiency not permitted or providing that the stipulated premium company shall be dealt with as if it were insolvent; prescribing the types of investments which may be made by a stipulated premium company; establishing the provisions of policy forms and requiring approval of the same by the State Board of Insurance; providing the licensing of agents; permitting the reinsurance of a company or association operating under the provisions of Chapter 14 of the Insurance Code with a stipulated premium company, establishing the procedure therefore, the method of voting thereon, regulation of the certificate of assumption, allocation of the net funds of the Chapter 14 company or association, the creation of a deficiency reserve thereunder if necessary, approval of the same by the State Board of Insurance as complying with this Act; making the Business Corporation Act applicable to stipulated premium companies when not in conflict with the provisions hereof; prohibiting the use in representation of policies and advertising of certain words; making Art. 1.14, Art. 1.15, Art. 1.19, Art. 21.26, Art. 21.28, Art. 21.39, Art. 21.45 and Art. 21.47 of the Insurance Code applicable to stipulated premium companies; providing that stipulated premium companies shall be regulated by the Texas Securities Act and shall pay the same premium taxes as companies chartered and doing business under Chapter 3 of the Insurance Code but such premium taxes shall cover a different period of time and shall be due at a different date; permitting partial or total reinsurance agreements with legal reserve companies authorized to do business in Texas; permitting total or partial reinsurance agreements

with other stipulated premium companies under certain circumstances and providing the methods and procedures whereby the same may be accomplished, but subject to approval as to compliance with this Act by the State Board of Insurance; providing for termination of corporate existence under a total reinsurance; repealing all laws or parts of laws in conflict herewith and declaring an emergency."

(With amendments.)

S. B. No. 137, A bill to be entitled "An Act to amend Senate Bill No. 86, Acts 1929, 41st Legislature, First Called Session, Page 57, Chapter 23, as amended by Senate Bill No. 35, Acts 1933, 43rd Legislature, First Called Session, Page 274, Chapter 99, Section 1, same being known as Article 2675-1, Vernon's Texas Civil Statutes, as amended, by adding a new Section immediately following Section 2-b thereof to be known as Section 3, pertaining to the severely physically disabled; providing for administration by the Vocational Rehabilitation Division of the State Department of Education; providing for repealing and severability clauses; declaring legislative intent; and declaring an emergency."

S. B. No. 157, A bill to be entitled "An Act relating to false advertising of insurers not authorized to transact business in this state; subjecting such insurers to the jurisdiction of the State Board of Insurance and the Courts of this State; providing for actions by this state with respect to such insurers; providing for service of process upon such insurers; providing separability; and declaring an emergency."

(With amendment.)

S. B. No. 237, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to exchange lands in Dallas County, Texas, and to execute deeds with the Dallas County Hospital District, Dallas County, Texas, and to convey the site received in exchange to the governing board of the Children's Medical Center of Dallas, Dallas County, Texas, to be used as a teaching facility fully integrated with the medical program of the University of Texas Southwestern Medical School, Dallas, Texas; specifying certain contractual terms and making provision

for other considerations mutually agreed upon by the parties; and declaring an emergency."

S. B. No. 398, A bill to be entitled "An Act transferring to the State Board of Water Engineers the powers and duties originally vested in the State Reclamation Engineer under Chapters 5 and 6, Title 128, Revised Civil Statutes of Texas, 1925, as amended, and under general and special laws, and all powers and duties of the State Reclamation Engineer vested by law in the Commissioner of the General Land Office by Senate Bill No. 281, Acts of the 46th Legislature, Regular Session, 1939, Title: Water Chapter 1, page 704 (codified as Article 5421h-1, Vernon's Annotated Civil Statutes of Texas), herein referred to as Chapter 1, and transferring all books, papers, records, property and pending business pertaining to the exercise of the powers and duties under said Chapter 1; repealing said Chapter 1 to the extent it is in conflict herewith; and declaring an emergency."

H. B. No. 302, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Brookshire-Katy Drainage District'; prescribing its rights, powers, privileges, and duties; providing a tax limit; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; providing for dividing said District for election of Supervisors; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

H. B. No. 1060, A bill to be entitled "An Act to create the Farmers Creek Watershed Authority as a conservation and reclamation district in Montague County under the provision of Article XVI, Section 59 of the Constitution of Texas; describing its metes and bounds; prescribing the duties, powers, functions, and procedures for the district; providing for the incurring of obligations and the methods for the selection of manner for paying such obligations of the district; providing for a governing body and prescribing their duties; adopting certain provisions of the General Law; enacting other pro-

visions required for the functioning of the district; providing a severance clause; and declaring an emergency."

H. B. No. 1069, A bill to be entitled "An Act to validate the establishment, organization and/or creation of all school districts; validating the acts of county boards of school trustees, county judges, Commissioners Courts, boards of trustees of such school districts, and municipal governing bodies; validating tax elections, bond elections, bond assumption elections, and all bonds voted, authorized, and/or now outstanding of said districts; authorizing the levy, assessment and collection of taxes; providing the Act shall not be construed as validating any boundary change made or attempted to be made by any ex parte order, resolution or act of the Board of Trustees of any school district; providing that this Act shall have no application to litigation now pending questioning the validity of matters hereby validated, or to proceedings now pending before the County Boards of Education, State Commissioner of Education or the State Board of Education, or to any district which has heretofore been declared invalid by certain courts, or to districts which may have been established and later returned to original status, providing such litigation or proceedings are ultimately determined against the validity of matters hereby validated; providing a saving clause; and declaring an emergency."

S. B. No. 268, A bill to be entitled "An Act creating Upper Leon River Municipal Water District, a conservation District under Article XVI, Section 59 of the Constitution comprising initially the territory contained within the cities of Comanche, DeLeon, Dublin, Gorman, Hamilton, Hico, and Stephenville, for the purpose of providing a source of water supply for municipal, domestic, and industrial uses and processing and transporting such water; authorizing provision of sewage treatment and disposal facilities as an aid to conservation of water; providing for the annexation of additional territory; providing for a Board of Directors for the government of the District; providing for elimination of 'Potential Cities' and defining status of 'Definitive Cities'; authorizing the District to do any and all things to make available for municipal and industrial uses the water from Proctor

Dam and Reservoir which has been authorized for construction by the United States Government on Leon River or from any other dams which may be constructed in lieu thereof, pursuant to such rights as District may acquire in such reservoir from Brazos River Authority; permitting contracts with Brazos River Authority Board for acquisition of the rights to utilize water from the storage capacity of Proctor Dam and Reservoir which storage rights are being acquired by the Authority; permitting sale of surplus water for irrigation purposes; authorizing the issuance of bonds and providing for the payment and security thereof; prescribing an alternative method of financing the cost of providing the water supply, water supply lines, purification and pumping facilities or any of such items through contract with Brazos River Authority and the issuance of Authority's bonds for such purposes; prescribing conditions under which cities may withdraw from the District; making applicable to the District Title 52 of the Revised Statutes of Texas relating to water control and improvement districts; requiring all bonds which are wholly supported by taxation to be voted; adopting the powers of water control and improvement districts to the extent not in conflict with this Act; prescribing other powers of the District; enacting other provisions related to the subject and declaring an emergency."

(With amendments.)

S. B. No. 414, A bill to be entitled "An Act authorizing counties to acquire a supply of fresh water for the courthouse and other county purposes and providing for the acquisition of such treatment and distribution facilities as may be required; providing the circumstances under which such counties may sell water not needed for courthouse and other county purposes to others; providing for the issuance of bonds to pay the cost of such project; providing that such bonds shall be secured by a pledge of the net revenues from the operation of the project; providing that such bonds may be additionally secured by the levy of a tax; prescribing the procedure for the issuance of such bonds; authorizing the issuance of additional bonds to improve, repair and/or extend the project under certain circumstances; authorizing the issuance of refunding bonds; providing bonds issued under

Act shall be legal investments for certain banks, fiduciaries and political subdivisions and eligible to secure the deposit of certain funds; providing for the exercise of the power of eminent domain; providing certain obligations will be considered as tax obligations for certain purposes; declaring this Act cumulative of all other laws; declaring the accomplishment of the purpose of the Act to be essential; enacting other provisions incident to and related to the subject; providing a severance clause; and declaring an emergency."

(With amendments.)

S. B. No. 427, A bill to be entitled "An Act validating, ratifying, approving and confirming bonds heretofore authorized by any Home Rule City in the State of Texas which pledge the revenues of its water, sewer, or electric systems, or any combination of such revenues, and any and all proceedings pertaining to the authorization and issuance thereof, and authorizing the issuance, sale and delivery of such bonds; providing that this Act shall apply only to bonds authorized at an election or elections wherein a majority of the voting qualified property taxpaying voters who had duly rendered their property for taxation voted in favor thereof; providing that this Act shall not affect bonds or the proceedings relating to the authorization of bonds in litigation on the effective date of this Act, if such suit or litigation is ultimately determined against the validity of the proceedings or bonds, except insofar as same might be affected by any such City being engaged in a suit or litigation questioning the power of such City to annex territory wherein the validity of its Home Rule Charter and the authority of the governing body of such City to function under such Home Rule Charter may be contested or under attack; providing a savings clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

(Senator Reagan in the Chair.)

Senate Resolution 390

Senator Creighton by unanimous consent offered the following resolution:

Whereas, Miss Deloris Del Foley of

Mineral Wells, Palo Pinto County, Texas, has heretofore been selected as 1961 Regional Sweetheart for Distributive Education in Sherman, and thereafter as State Sweetheart at Galveston, Texas; and

Whereas, On April 22, 1961, in the City of Chicago, the said Miss Foley was elected National Sweetheart for Distributive Education from a field of 40 contestants from throughout the nation, Puerto Rico, and Canada; and

Whereas, By her beauty and talent, Miss Foley exemplifies feminine charm and grace, which have always been a tradition of our fair state; and

Whereas, By reason of the high honor bestowed upon Miss Foley as Sweetheart for Distributive Education, she has focused national and international attention on her community of Mineral Wells and on her state; and

Whereas, It is fitting that the Legislature of the State of Texas honor Miss Foley and the distributive education program; now, therefore, be it

Resolved, that the Senate of Texas extend congratulations and best wishes to Miss Foley; and be it further

Resolved, That copies of this resolution be mailed to Miss Foley, to Mr. Thomas Carney, Principal of Mineral Wells High School, and to Mrs. Patsy Ranft, Distributive Education Coordinator at Mineral Wells, Texas, in recognition of this outstanding honor and achievement.

The resolution was read and was adopted.

Senate Concurrent Resolution 53

Senator Martin offered the following resolution:

S. C. R. No. 53, Proclaiming Miss Barbara Anne Wray as "Miss Bluebonnet of Texas" for 1961.

Whereas, On April 8, 1961, Miss Barbara Anne Wray was declared winner of the annual Miss Bluebonnet Contest, held by the Ennis Community Center Association in Ennis, Texas; and

Whereas, By her beauty and talent, Miss Wray exemplifies the feminine charm and grace which have always been a tradition in our fair state; and

Whereas, It is fitting that the Legislature of the State of Texas honor Miss Wray and the annual Miss Bluebonnet festival at Ennis, which calls

national attention to our distinctive State flower and to the beauty of Texas' daughters; now, therefore, be it

Resolved, by the Senate of the State of Texas, with the House of Representatives concurring, That Miss Barbara Anne Wray be and she is hereby proclaimed Miss Bluebonnet of Texas for 1961, and we extend to her our warm congratulations and good wishes; and be it further

Resolved, That copies of this resolution be mailed to Miss Wray, our lovely Miss Bluebonnet of Texas for 1961, and to the Honorable F. E. Hofer, Mayor of the City of Ennis, and to the Honorable Jack McKay, Manager of the Ennis Chamber of Commerce, in recognition of this annual festival welcoming the arrival of Texas' famed Bluebonnet Season.

The resolution was read.

On motion of Senator Martin and by unanimous consent the resolution was considered immediately and was adopted.

Reports of Standing Committees

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
April 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 640, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 345, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Krueger by unanimous consent submitted the following reports:

Austin, Texas,
April 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 762, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Austin, Texas,
April 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 802, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Austin, Texas,
April 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred H. B. No. 796, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 455, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Committee Substitute Senate Bill 2 on Second Reading

The President laid before the Senate as unfinished business C. S. S. B. No. 2 on its second reading with an amendment by Senator Moore pend-

ing (The bill having been read the second time on Monday, April 17, 1961, and the amendment by Senator Moore offered on Tuesday, April 25, 1961).

Question—Shall the amendment by Senator Moore to the pending amendment by Senator Baker be adopted?

Senator Baker moved to table the amendment by Senator Moore.

Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

Yeas—15

Aikin	Parkhouse
Baker	Patman
Calhoun	Ratliff
Creighton	Reagan
Gonzalez	Schwartz
Hudson	Secrest
Kazen	Willis
Krueger	

Nays—6

Colson	Hardeman
Crump	Martin
Dies	Weinert

Absent

Herring	Rogers
Owen	Smith
Roberts	

Absent—Excused

Fuller	Moffett
Hazlewood	Moore
Lane	

Senator Hudson offered the following amendment to the bill:

Amend the pending amendment to Committee Substitute for S. B. No. 2 by deleting the figures "1963" and inserting in lieu thereof the figures "1965."

The amendment was read.

(Senator Reagan in the Chair.)

(Pending further discussion by Senator Hudson of his amendment, Senator Aikin occupied the Chair.)

Question—Shall the amendment by Senator Hudson to the pending amendment by Senator Baker be adopted?

Recess

On motion of Senator Baker the

Senate at 12:07 o'clock p.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

Message from the Governor

The following message received from the Governor today was read and was filed with the Secretary of the Senate:

Austin, Texas,
April 27, 1961.

To the Members of the Fifty-seventh Legislature:

As we enter the last 30 days of this Regular Session, with the State's financial needs still of paramount importance, I call your special attention to various economy measures and sources of revenue other than new taxes which I have heretofore recommended.

Some of these measures would obviate the necessity for a considerable amount of new taxes, and others would reduce General Fund spending. They are:

1. An enforcement and reporting statute to supplement the present Texas escheat law. There are two bills pending on this subject, H. B. No. 470, which has been spread on the House Journal, and H. B. No. 760, now in the Revenue and Taxation Committee. Even with amendments which have been placed on these measures since the beginning of the Session, enactment of an escheat enforcement law should yield at least \$10 million. By simply bringing in the money now due the State under the present escheat statute, but which is being used and often dissipated by the holders, the people of Texas could be saved from paying at least this amount in new taxes.

2. Financing the Colson-Briscoe farm-to-market road program from special earmarked farm-to-market funds in the Highway Department for a period of two years, as proposed in the substitute of Rep. Smith of Jefferson for H. B. 562, now pending in the Revenue and Taxation Committee. This can be done without any reduction in new construction of farm-to-market roads, and will relieve the General Fund of a \$30 million burden during the biennium.

3. A tuition increase of \$50 per semester at State-supported colleges and universities, with continuation of a tuition scholarship program for any students who cannot afford to pay, proposed in H. B. 933 before the Appropriations Committee, and amounting to \$10 million per year.

4. Include the Texas Education Agency budget in Minimum Foundation Program financing (H. B. 479), which has passed the House and is in the Senate Finance Committee. This would save the General Fund \$283,000 per year.

5. Finance county school superintendents and administration from local sources, and permit people of any county to abolish this office. This would save the State \$2,623,000 per year. It was recommended by the Hale-Aikin Committee, and is contained in H. B. 909 and S. B. 380, both of which are still in committee.

6. Redefine scholastic as pupil in average daily attendance (H. B. 304 and S. B. 254), also recommended by the Hale-Aikin Committee. This would save \$190,000 per year.

7. Change the statutory allocation of certain tax revenue from the Available School Fund to the Minimum Foundation Fund, for a saving of \$562,000 yearly. This is contained in H. B. 334, now pending in the Senate State Affairs Committee.

8. Increase collections from the families of non-indigent patients in the State hospitals who are able to pay for their care, which at reasonable rates would yield at least \$3 million per year. This can be effected by an amendment to any revenue bill with a broad caption, such as H. B. 334 now pending in the Senate State Affairs Committee.

These recommendations would yield or save the General Revenue Fund \$73,316,000 during the next biennium. Forty million dollars of this amount would be one-time non-recurring gains, and \$33,316,000 would recur for each biennium.

In addition to these recommendations, S. B. 80 would provide long-range savings by encouraging school district consolidations, and House Bill 334 contains a provision that income derived from bonuses and annual delay rentals from Permanent School Fund lands shall be deposited in the Available School Fund in an amount not exceeding 1% of the Permanent Fund. The latter provision

would yield \$12 million for the biennium to apply on public school salaries and improvements.

Also, the Texas Research League has made a number of recommendations for improvements in accounting, record-keeping, and tax collecting procedures and other governmental "housekeeping" operations, designed to save approximately a million dollars per year.

At a time when we are facing the task of raising additional funds, I am sure that the members of the Legislature and the people of Texas will agree it is essential that as much revenue as possible be obtained from sources other than new taxes and that every possible economy be effected in the operation of the State government.

The foregoing proposals are means of accomplishing these purposes and I again urge their early consideration and enactment.

Respectfully submitted,

PRICE DANIEL

Governor.

Message from the Governor

The following message received from the Governor was read and was filed with the Committee on Nominations:

Austin, Texas,
April 27, 1961.

To the Senate of the Fifty-Seventh Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Regents of Texas Woman's University, for six-year terms to expire January 10, 1967: Mrs. Nelda C. Stark of Orange, Orange County; Robert A. Hall of Dallas, Dallas County; Randall C. Jackson of Baird, Callahan County.

Respectfully submitted,

PRICE DANIEL,

Governor of Texas.

Senate Bill 1 with House Amendments

Senator Roberts called S. B. No. 1 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate,

and the House amendments were read.

Senator Roberts moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Roberts, Martin, Aikin, Lane and Hazlewood.

House Bills and Resolution on First Reading

The following bills and resolutions received from the House, were read the first time and referred to the committees indicated:

H. B. No. 761, to the Committee on Counties, Cities and Towns.

H. B. No. 995, To the Committee on Counties, Cities and Towns.

H. C. R. No. 79, To the Committee on Jurisprudence.

H. B. No. 1069, To the Committee on Education.

H. B. No. 1060, To the Committee on Water and Conservation.

H. B. No. 302, To the Committee on Water and Conservation.

H. B. No. 794, To the Committee on Water and Conservation.

Committee Substitute Senate Bill 2 on Second Reading

The Senate resumed the consideration of the pending business, same being C. S. S. B. No. 2 on its second reading with an amendment by Senator Baker and an amendment by Senator Hudson to the amendment by Senator Baker pending.

Question—Shall the amendment by Senator Hudson to the pending amendment by Senator Baker be adopted?

(Pending discussion by Senator Hudson of his amendment, Senator Aikin occupied the Chair.)

(President in the Chair.)

Senator Willis moved the Previous

Question on the amendment by Senator Hudson and the pending amendment by Senator Baker and the engrossment of C. S. S. B. No. 2 and the motion was duly seconded.

Question—Shall the previous question now be put?

Senator Martin raised the point of order that under Senate Rule 101 the roll should not be called to order the Previous Question until the Member speaking had concluded his remarks according to precedents in the Rule Book and that under Senate Rule 25 stating "purpose for which a Member may be interrupted" the precedents show that a Member shall not be removed by the motion for a Previous Question.

The President over-ruled the point of order.

Question—Shall the Previous Question now be put?

The motion for the Previous Question was lost by the following vote:

Yeas—11

Aikin	Patman
Baker	Ratliff
Creighton	Reagan
Fuller	Schwartz
Krueger	Willis
Parkhouse	

Nays—11

Calhoun	Martin
Colson	Owen
Crump	Roberts
Hardeman	Rogers
Herring	Secrest
Hudson	

Present—Not Voting

Kazen

Absent

Dies	Smith
Gonzalez	Weinert

Absent—Excused

Hazlewood	Moffett
Lane	Moore

(Senator Owen in the Chair.)

Senator Baker moved the Previous Question on the amendment by Senator Hudson and the pending amendment by Senator Baker and the en-

grossment of C. S. S. B. No. 2 and the motion was duly seconded.

Question—Shall the Previous Question now be put?

Senator Hudson raised the point of order that a motion for a Previous Question could not again be made until further business had been transacted by the Senate.

The Presiding Officer (Senator Owen in the Chair.) over-ruled the point of order.

Question—Shall the Previous Question now be put?

The Previous Question was ordered by the following vote:

Yeas—12

Aikin	Patman
Baker	Ratliff
Creighton	Reagan
Fuller	Schwartz
Krueger	Secrest
Parkhouse	Willis

Nays—10

Calhoun	Hudson
Colson	Martin
Crump	Owen
Hardeman	Roberts
Herring	Rogers

Present—Not Voting

Gonzalez	Kazen
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Absent

Dies	Weinert
Smith	

Absent—Excused

Hazlewood	Moffett
Lane	Moore

(President in the Chair.)

(Pending further discussion by Senator Hudson of his amendment, Senator Kazen occupied the Chair.)

(President in the Chair.)

Senator Hudson asked unanimous consent to withdraw his pending amendment to the amendment of Senator Baker.

There was no objection offered.

Senator Hardeman by unanimous consent offered the following amend-

ment to the amendment by Senator Baker:

Amend the pending Baker amendment for Senate Bill 2, Section 2, by inserting the following sentence between the first and second sentences of the second paragraph of said Section 2.

"Each member of the Board of Regents shall be a citizen of the State of Texas."

The amendment was adopted.

Senator Hardeman by unanimous consent offered the following amendment to the pending amendment by Senator Baker:

Amend the pending Baker Amendment for Senate Bill 2, Section 2, by adding at the end of Section 2 the following:

"Full, accurate and complete minutes of the Board of Regents shall be kept or maintained, which shall be open to inspection by the public at the University during regular business hours. Certified copies of any minutes shall be furnished on payment of such fee as may be assessed by the Board, not to exceed Twenty-Five Cents (0.25) per One Hundred (100) words or fractional part thereof. The Board shall adopt such rules or regulations, not inconsistent with law, as may be necessary for the successful management and operation of the University."

The amendment was adopted.

Senator Hardeman by unanimous consent offered the following amendment to the pending amendment by Senator Baker:

Amend the pending Baker Amendment for Senate Bill No. 2 by adding at the end of Section 13 the following:

"Any and all fees and compensation that may be derived therefrom shall be reported to the Governor and to the Texas Commission on Higher Education, annually, and to each Regular Session of the Legislature at the beginning thereof, and to the Board of Regents, as may be required by it, including a brief statement of the use made of such facilities, and of the firm, society, or organization or association that use such facilities, to be included in each report herein required."

The amendment was adopted.

Senator Hardeman by unanimous consent offered the following amendment to the bill:

Amend the Baker amendment to Senate Bill No. 2 by striking out all of Section 5a and inserting in lieu thereof the following:

"Section 5a. The Board of Regents shall report to the Governor annually, to each Regular Session of the Legislature, at the beginning thereof, and to the Texas Commission on Higher Education, annually, the condition of the University, setting forth, in detail, the receipts and disbursements, the number of teachers and salary of each member of the faculty, the number of employees and each salary received and general statements of duties performed, the number of students, classified by grades and departments, an itemized statement of all the expenses incurred for each year, together with a summary of the proceedings of the Board and of the faculty."

The amendment was adopted.

Senator Owen by unanimous consent offered the following amendment to the pending amendment by Senator Baker:

Amend pending amendment to Committee Substitute for Senate Bill No. 2, Section 10, by deleting the entire section 10 and by substituting in lieu therefor the following:

"Section 10. Control and Lease of Lands for Oil, Gas and other Mineral Developments:

"The Board of Regents of the University of Houston is hereby authorized and empowered to lease for oil, gas, sulphur, ore and other mineral development at public auction all lands under its exclusive control or any part thereof now controlled or owned or that may hereafter be acquired for the use of The University of Houston.

"All moneys received under and by virtue of said leases shall be deposited in the State Treasury to the credit of a Special Fund which in the judgment of said Board may be invested and which principal and income may be expended for the administration of said University.

"All leases made or sold hereunder shall be in the same manner set forth and in conformity with the provisions of Chap. 260, p. 679, Acts 53rd Leg. 1953, as amended and codified as Ar-

ticle 2613 a3, V.C.S., and as fully as though the University of Houston were named in said article."

The amendment was adopted.

The amendment by Senator Baker to C. S. S. B. No. 2 as amended was then adopted.

On motion of Senator Baker and by unanimous consent the caption was amended to conform to the body of the bill as amended.

C. S. S. B. No. 2 was then passed to engrossment.

Record of Votes

Senators Hardeman, Colson, Calhoun, Crump and Hudson asked to be recorded as voting "Nay" on the passage of C. S. S. B. No. 2 to engrossment.

Reports of Standing Committee

Senator Aikin by unanimous consent submitted the following committee reports:

Austin, Texas,
April 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Cities, Counties and Towns, to whom was referred H. B. No. 247, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Cities, Counties and Towns, to whom was referred H. B. No. 564, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Cities, Counties and Towns, to whom was

referred H. B. No. 565, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 28, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Cities, Counties and Towns, to whom was referred H. B. No. 566, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Welcome Resolutions

S. R. No. 389 — By Senator Schwartz: Extending welcome to students of Lorraine Crosby High School of Hitchcock.

S. R. No. 391—By Senator Kazen: Extending welcome to students, teachers and sponsors of Nye Junior High School of Laredo.

S. R. No. 392—By Senator Crump: Extending welcome to students and teachers of Bandera Elementary School.

S. R. No. 393—By Senator Gonzalez: Extending welcome to Bishop Byrne High School and teacher of Port Arthur.

S. R. No. 394—By Senator Schwartz: Extending welcome to students and teacher of the Brazosport High School of Freeport.

S. R. No. 395—By Senator Weinert: Extending welcome to 150 students and teachers and sponsors of Lockhart Elementary School of Caldwell County.

S. R. No. 396—By Senator Baker: Extending welcome to students of Junior Historian Club of Robert E. Lee High School of Baytown and their teachers and sponsors.

S. R. No. 397—By Senator Colson: Extending welcome to students, teachers, and sponsors of Centerville High School.

S. R. No. 398—By Senator Schwartz: Extending welcome to students of Hil-

liard High School of Bay City and teachers.

S. R. No. 399—By Senator Parkhouse: Extending welcome to Reverend John Worrell and students of St. George's Day School of Dallas.

Adjournment

On motion of Senator Baker the Senate at 10:49 o'clock p.m. adjourned until 11:00 o'clock a.m. on Monday, May 1, 1961.

FIFTY-SEVENTH DAY

(Monday, May 1, 1961)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by Senator Owen.

The roll was called and the following Senators were present:

Baker	Owen
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Fuller	Rogers
Gonzalez	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Moffett	Willis
Moore	

Absent—Excused

Aikin	Hudson
Calhoun	Lane
Dies	Martin
Hardeman	Parkhouse
Hazlewood	Roberts

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, in this moment of silence, we would unite our prayers and sympathy together for one of the beloved Members of this Senate who has suffered a great loss and bereavement. As we stand beside his empty chair, may he feel Thy presence around him, and underneath the everlasting arms. May he and his family not sorrow as those who have no hope; but when our work on earth is done; signs of evening gather in the western sky, call us home to be with Thee and those whom we have loved and lost for a little while. We pray in Christ's name. Amen."

On motion of Senator Reagan, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 28, 1961, was dispensed with and the Journal was approved.

Leaves of Absence

Senators Hardeman, Calhoun, Dies, Aikin, Parkhouse and Martin were excused to attend the funeral of Senator Lane's father, H. O. Lane, on motion of Senator Colson.

Senator Roberts was granted leave of absence for today in order that he might discharge his duties as Governor-for-the-day on motion of Senator Fuller.

Senator Lane was granted leave of absence for today on account of a death in the family on motion of Senator Colson.

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Smith.

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Kazen.

Memorial Resolution

S. R. No. 401—By Senator Gonzalez: Memorial resolution for Mr. I. D. Flores.

Senate Resolution 400

Senator Baker offered the following resolution:

Whereas, Mr. H. O. Lane, the father of our distinguished colleague, Wardlow Lane, Senator from the Second Senatorial District, passed away on April 29, 1961; and

Whereas, The Senate is desirous of expressing deepest sympathy to the family; and

Now, therefore, be it Resolved, That the Senate of the State of Texas adjourn today in memory of Mr. H. O. Lane, and that no other business be transacted by the Senate.

BAKER

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Mar-